

EXHIBIT A
Antelope and Triple B Complexes Gather Plan EA



U.S. Department of the Interior
Bureau of Land Management

Antelope and Triple B Complexes Gather Plan

Environmental Assessment

DOI-BLM-NV-E030-2017-0010-EA



1. INTRODUCTION

This Environmental Assessment (EA) has been prepared to disclose and analyze the environmental effects of the Proposed Action, which consists of gathering and removing excess wild horses from the Antelope and Triple B Complexes (hereafter referred to as the Complexes) along with fertility control management. The wild horse gather plan would allow for an initial gather and follow-up maintenance gathers to be conducted over the next 10 years from the date of the initial gather operation to achieve and maintain appropriate management levels. This EA will assist the Bureau of Land Management (BLM) Wells Field Office (WFO) and Bristlecone Field Office (BFO) in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any significant effects could result from the analyzed actions. Following the requirements of NEPA (40 CFR 1508.9 (a)), this EA describes the potential impacts of a No Action Alternative and the Proposed Action for the Antelope and Triple B Complexes. If the BLM determines that the Proposed Action for the Complexes is not expected to have significant impacts a Finding of No Significant Impact (FONSI) will be issued and a Decision Record will be prepared. If significant effects are anticipated, the BLM will prepare an Environmental Impact Statement.

This document is tiered or conforms to the following documents:

- Ely Proposed RMP (2007) (Resource Management Plan) and Final Environmental Impact Statement (*FEIS-RMP/EIS 2008*),
- Ely District Record of Decision and Approved Resource Management Plan (2008) (*Ely RMP*),
- Proposed Wells Resource Management Plan and FEIS US DOI 1983 (Wells RMP), approved July 16, 1985,
- Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment (BLM 2015),
- Wells RMP Wild Horse Amendment and Decision Record, approved August 1993 (US DOI 1993) (*Wells RMPWHA*).

1.1. Background

Since the passage of the Wild Free-Roaming Horses and Burros Act (WFRHBA) of 1971, BLM has refined its understanding of how to manage wild horse population levels. By law, BLM is required to control any overpopulation, by removing excess animals, once a determination has been made that excess animals are present and removal is necessary. Program goals have always been to establish and maintain a “thriving natural ecological balance” (TNEB), which requires identifying the Appropriate Management Level (AML) for individual herds. The AML is defined

as the number of wild horses that can be sustained within a designated Herd Management Area (HMA) which achieves and maintains a thriving natural ecological balance¹ in keeping with the multiple-use management concept for the area. In the past two decades, goals have also explicitly included the application of contraceptive treatments and adjusting sex ratios to achieve and maintain wild horse populations within the established AML. Both of these management actions can reduce total population growth rates in the short-term and increase gather intervals necessary to remove excess animals. Other management efforts include improving the accuracy of population inventories and collecting genetic baseline data to support genetic health assessments. Decreasing the numbers of excess wild horses removed while also reducing population growth rates and ensuring the welfare of wild horses on the range are all consistent with findings and recommendations from the National Academy of Sciences (NAS), American Horse Protection Association (AHPA), the American Association of Equine Practitioners (AAEP), Humane Society of the United States (HSUS), Government Accountability Office (GAO), Office of Inspector General (OIG) and current BLM policy. BLM's management of wild horses must also be consistent with Standards and Guidelines for Rangeland Health and for Healthy Wild Horse Populations developed by the Northeastern Great Basin Resource Advisory Council (RAC).

At the national level, annual gather removals are based on national priorities (such as risks to public safety, wild horse health and resource protection) and budget for gather operations. The national program also needs to consider the costs and budget constraints involving long-term care of excess un-adopted wild horses that have been moved to off range pastures so long as Congressional appropriations bills prohibit the euthanization or sale without limitation of excess unadopted wild horses removed from the range.

Population controls, such as the use of chemical fertility control or permanent sterilization, need to be pursued as an alternative to removal of excess horses. This would help control the population of wild horses in HMAs and bring down the number of excess wild horses in the long-term. If used as the sole approach to controlling population numbers, contraception would not allow the BLM to achieve population objectives. However, in conjunction with other techniques (e.g., removals of excess animals and adoption/sale) and through incorporation of other population control techniques (e.g., sex ratio adjustments, sterilization), it provides a valuable tool in a larger, more adaptive approach to wild horse and burro management.

¹ The Interior Board of Land Appeals (IBLA) defined the goal for managing wild horse (or burro) populations in a thriving natural ecological balance as follows: "As the court stated in *Dahl v. Clark*, supra at 594, the 'benchmark test' for determining the suitable number of wild horses on the public range is 'thriving ecological balance.' In the words of the conference committee which adopted this standard: 'The goal of WH&B management ***should be to maintain a thriving ecological balance between WH&B populations, wildlife, livestock and vegetation, and to protect the range from the deterioration associated with overpopulation of wild horses and burros.' " (*Animal Protection Institute of America v. Nevada BLM*, 109 IBLA 115, 1989).

The Antelope Complex includes the HMAs as listed in Table 1. The Antelope HMA is managed by the Ely District's Bristlecone FO and the Antelope Valley, Goshute, and Spruce-Pequop HMAs are managed by the Elko District's Wells FO. Refer to Figure 1 in Section 1.2.

Table 1. Antelope Complex Herd Management Areas, acres, AML, estimated population, and estimated numbers for removal.

Herd Management Area	Total Acres Private/Public land ¹	AML Range	Current Pop. Estimate (March 1, 2017)	Estimated Pop. (2017 Inventory)	Pop. Estimate with 2017 foal crop ²	Current Estimated Wild Horse Use (AUMs)	Removal Estimate to Achieve Low AML ⁵	Removal Estimate to Achieve High AML ⁵
Antelope	331,000	150-324	1,033	855	1,026	12,312	876	702
Antelope Valley	463,540	155-259	1,320	1,517	1,705 ⁴	20,460	1,550	1,446
Goshute ³	250,800	73-124	1,015	1,191	1,429	17,148	1,356	1,305
Spruce-Pequop ³	138,000	49-82	1,170	1,269	1,523	18,276	1,474	1,441
Total	1,183,340	427-789	4,538	4,832	5,683 ³	68,196	5,256	4,894

¹ Total acres as outlined in the 1993 Wells Wild Horse RMP Amendment. See Appendix X for a discussion of HMA acre discrepancies corrected in this document.

² Estimated Population of wild horses includes the 2017 foal crop, which is based on a 20% annual growth rate. Wild horse population numbers can fluctuate among the HMAs due to seasonal movement.).

³ Total estimated population includes areas outside HMA Boundary.

⁴ Emergency gather in May 2017 removed 96 excess wild horses.

⁵ Removal estimates are based on July 2017 population estimate.

The Triple B HMA is managed by the Ely District's Bristlecone FO and the Antelope Valley and Maverick Medicine HMAs are managed by the Elko District's Wells FO. Refer to Figure 1 in Section 1.2. The Cherry Springs WHT is managed in accordance with an Interagency Agreement between the BLM and USFS.

Table 2. Triple B Complex Herd Management Areas, acres, AML, estimated population, and estimated numbers for removal.

Herd Management Area	Total Acres Private/Public land ¹	AML Range	Current Pop. Estimate (March 1, 2017)	Pop. Estimate with 2017 foal crop ²	Current Estimated Wild Horse Use (AUMs)	Removal Estimate to Achieve Low AML	Removal Estimate to Achieve High AML
Triple B	1,225,000	250-518	1,770	2,124	25,488	1,874	1,606
Maverick-Medicine	286,460	166-276	1,309	1,571	18,852	1,405	1,295

Herd Management Area	Total Acres Private/Public land¹	AML Range	Current Pop. Estimate (March 1, 2017)	Pop. Estimate with 2017 foal crop²	Current Estimated Wild Horse Use (AUMs)	Removal Estimate to Achieve Low AML	Removal Estimate to Achieve High AML
Antelope Valley West of U.S. Highway 93 ³	97,070	16-27	59	71	852	55	44
Cherry Springs WHT	23,794	40-68	63	76	912	36	13
Total	1,632,324	472-889	3,201	3,842	46,104	3,370	2,958

¹ Total acres as outlined in the 1993 Wells Wild Horse RMP Amendment. See Appendix X for a discussion of HMA acre discrepancies corrected in this document.

² Estimated Population of wild horses includes the 2017 foal crop, which is based on a 20% annual growth rate. Wild horse population numbers can fluctuate among the HMAs due to seasonal movement.).

³ Acres only represent the portion of Antelope Valley HMA west of U.S. Highway 93. Wild horses in this portion of the Antelope Valley HMA move back and forth mixing with wild horses from the Maverick-Medicine and Triple B HMAs.

The Antelope Complex has an AML range of 427-789 wild horses and the Triple B Complex has an AML range of 472-889. The combined project area (Antelope and Triple B Complexes) has an AML range of 899-1,678. Portions of the Complexes located in the Ely District were established through Final Multiple Use Decisions and reaffirmed through the 2008 Ely District Resource Management Plan (RMP) and Record of Decision (ROD). Portions of the complexes located in the Elko District were established through Final Multiple Use Decisions and the Wells Resource Management Plan Wild Horse Amendment (WRMPWHA). The Cherry Springs WHT was established on the Humboldt-Toiyabe National Forest through the Cherry Spring Wild Horse Territory Management Plan. These decisions established AMLs designed to maintain healthy wild horse populations and rangelands over the long-term based on monitoring data and in-depth analysis of habitat suitability.

The 2008 Ely RMP combined three existing HMAs (Buck and Bald, Butte, and Cherry Creek HMAs) into the Triple B HMA. The decision to combine all or portions of the three HMAs was due to the historical interchange of wild horses between the three HMAs and was also based on an in-depth analysis of habitat suitability and monitoring data as set forth in the Ely Proposed Resource Management Plan/Final Environmental Impact Statement, Table 3.8-2 and Page 4.8-2. The 2007 EIS evaluated each herd management area for five essential habitat components and herd characteristics: forage, water, cover, space, and reproductive viability. Through this analysis and the subsequent Final RMP and Record of Decision (ROD), the boundaries of the Triple B HMA were established to ensure sufficient habitat for wild horses, and an AML of 250-518 wild horses was established to achieve a thriving natural ecological balance and rangeland health.

The 2008 Ely RMP re-affirmed long-term management of wild horses within the Antelope HMA through the Ely Proposed Resource Management Plan/Final Environmental Impact Statement, Table 3.8-2 and Page 4.8-2. The 2007 EIS evaluated the herd management area for five essential

habitat components and herd characteristics: forage, water, cover, space, and reproductive viability. Through this analysis and the subsequent Final RMP and Record of Decision (ROD), the boundaries of the Antelope HMA were reaffirmed to ensure sufficient habitat for wild horses, and an AML of 150-324 wild horses was reviewed and set to achieve a thriving natural ecological balance and rangeland health.

The WRMPWHA established the baseline AMLs of 240 wild horses for the Antelope Valley HMA, 160 wild horses for the Goshute HMA, 389 wild horses for the Maverick-Medicine HMA and 82 wild horses for the Spruce-Pequop HMA. The WRMPWHA stated that adjustments would be based on monitoring and grazing allotment evaluations. The baseline AML for the Antelope Valley, Goshute and Spruce-Pequop HMAs was established at 155-259 wild horses through a combination of the 1994 Antelope Valley Final Multiple Use Decision (FMUD), the 1998 Badlands FMUD, the 1998 Spruce FMUD, the 2001 Maverick-Medicine Complex FMUD, the 2001 Sheep Allotment Complex FMUD and the 2002 Big Springs FMUD.

In the Maverick-Medicine HMA the WRMPWHA established a baseline AML of 389 wild horses, which was adjusted to 166-276 wild horses through a combination of the 1998 Spruce FMUD, the 1994 West Cherry Creek Allotment FMUD, and the 2001 Maverick-Medicine Complex FMUD. The wild horses from this HMA travel back and forth across the Elko and White Pine County line, mixing with the wild horses from the Triple B HMA. They also move back and forth mixing with wild horses from the western portion of the Antelope Valley HMA west of U.S. Highway 93. The population within this HMA can fluctuate depending on the seasonal movement of the wild horses.

The WRMPWHA established wild horse pre-livestock allowable use levels at 10% in winter use areas. (“Utilization of key forage species by wild horses in areas used in common will not exceed an average of 10 percent prior to entry by livestock”). The WRMPWHA established that utilization by all grazing animals will not exceed 55% on key species by March 31 on winter range.

The WRMPWHA stated that “the availability of forage in winter use areas is considered the most limiting factor for wild horses”. However, as wild horse numbers increase wild horses spend more and more time grazing winter use areas.

Cherry Springs WHT established an AML of 40-68 wild horses through the Cherry Springs WHT Management Plan approved in July 1993. This population range was established based on monitoring data and wild horse seasonal movement within the Cherry Springs WHT. The population within the WHT fluctuates due to seasonal movement of the wild horses between the Triple B HMA and Cherry Springs WHT.

In the 2013 National Academy of Sciences’ (NAS) report “Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward”, the science review committee reported that

annual population statistics at that time were probably substantial underestimates of the actual number of horses occupying public lands, inasmuch as most of the individual HMA population estimates are based on the assumption that all animals are detected and counted in population surveys—that is, perfect detection. A large body of scientific literature focused on inventory techniques for horses and other large mammals clearly refutes that assumption. The literature shows estimates of the proportion of animals missed on surveys ranges from 10 to 50 percent, depending on terrain ruggedness and tree cover (Caughley, 1974a; Siniff et al., 1982; Pollock and Kendall, 1987; Garrott et al. 1991a; Walter and Hone, 2003; Lubow and Ransom, 2009). The committee had little knowledge of the distribution of HMAs with respect to terrain ruggedness and tree cover, but stated that a reasonable approximation of the average proportion of horses undetected in surveys throughout western rangelands was 20% to 30%.

The Antelope Complex was most recently aerially inventoried in March 2017 using the Double Simultaneous Count method, in which observers independently observe and record groups of wild horses (Lubow and Ransom 2016). Sighting rates are estimated by comparing sighting records of the observers. Sighting probabilities for the observers are then estimated from the information collected and a population estimate is generated. The estimated population based on the 2017 Inventory was 4,832 wild horses in the Antelope Complex. At the time of implementation of the proposed gather operation, it is estimated that the population within the Antelope Complex) would be approximately 5,683 wild horses (which includes the 2017 foal crop).

The Triple B Complex was most recently aerially inventoried in February 2016 and had an estimated population of 2,729 adult wild horses, which has grown to approximately 3,842 wild horses with the 2017 foal crop.

As is true for any estimates of wildlife abundance or herd size, there is always some level of uncertainty about the exact numbers of wild horses or wild burros in any HA/HMA or non-HMA area. The estimates shown here reflect the most likely number of wild horses and burros, based on the best information available to the BLM and may not account for every animal within the HA/HMA. BLM strives to conduct aerial surveys in each HMA once every three years. These surveys result in estimates that statistically account for animals that are not detected by any observer on the flights. In years without surveys, herd size estimates rely on additional information, including known numbers of animals removed and estimated annual population growth rates.

Wild horse numbers have increased an average of 20-25% annually since the HMAs were last gathered. With the projected 2017 foal crop the Antelope Complex is anticipated to be at least twelve times over low range AML and about seven times over the high range AML; while the Triple B Complex is anticipated to be about eight times over low range AML and four times over

the high range of AML². By comparison, livestock use has remained at or below active use levels. Livestock use is consistent with the grazing systems outlined in Final Multiple Use Decisions, Grazing Term Permit Renewals, Agreements, and Term Permit conditions which provide for periodic rest and deferment of key range sites.

Based upon current information, the BLM has determined that there are currently approximately 8,626 excess wild horses above low range AML within the Project Area. These excess wild horses need to be removed in order to achieve the established AMLs, restore a thriving natural ecological balance and prevent further degradation of rangeland resources. This assessment is based on factors including, but not limited to the following:

- Antelope and Triple B Complexes estimated populations exceed the established AML ranges for the project area (Tables 1 and 2).
- Heavy to severe utilization on key forage species within HMAs and severe degradation of water sources due to overpopulation of wild horses.
- Use by wild horses is exceeding the forage allocated for them by approximately 6.2 times for the Antelope Complex and approximately 3.6 times for the Triple B Complex (measured against the high end of the AML range).

² If a gather is not initiated prior to July 2018, the Antelope Complex and Triple B Complex wild horse populations would be expected to further increase by another 20% as a result of the 2018 foal crops.